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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,223

06/30/2006

Anatoli Stobbe

STOBBE-17 PCT

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25889

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07/09/2008

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EXAMINER

BROWNE, MARLON B

ART UNIT

PAPER NUMBER

2821

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,223	Applicant(s) STOBBE, ANATOLI	
	Examiner MARLON BROWNE	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>30 June 2006, 08 June 2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119 as follows: Applicant has failed to supply original certified documents.

Claim Objections

2. Claims 1 and 2 are objected to because of the following informalities: Applicant fails to appropriately describe the "E field". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 8, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Heerden et al (US 2003/0160732).

5. As for claim 1, Heerden et al. teach a textile material that comprises an HF transponder (Figure 2, item 200) that comprises a circuit module (Figure 2, item 30) and an antenna (Figure 2, item 50) linked therewith and set to a working frequency, wherein the antenna is configured as an E field radiator for a working frequency in the UHF or microwave range, and the E field radiator is completely constituted of electrically

conductive components of the textile material itself (Although the prior art does not expressly state the frequency range of the transponder, the RF technology described can include frequencies ranging from the Extremely Low Frequency (ELF) to the Extremely High Frequency (EHF). Arranging the antenna to propagate in a specific range is considered to be intended usage which is given minimal patentable weight).

6. As for claim 2, Heerden et al. teach the textile material according to claim 1 wherein the electrically conductive components of the textile material can comprise electrically conductive printing paste or electrically conductive thread (Fabric antenna 50 may comprise, a flexible conductive material disposed on a fabric surface, a plurality of conductive threads interwoven with the fabric of a garment, or a combination thereof [0023]) constructions that can be processed by machine as part of an industrial production process that is customary with textiles (The method of forming the device is not germane to the issue of patentability of the device itself. Therefore this limitation has not been given patentable weight).

7. As for claim 4, Heerden et al. teach the textile material according to claim 2 wherein the electrically conductive thread construction is a metal-coated synthetic thread, a synthetic thread around which a metal wire or a stranded metal wire is wrapped, a synthetic thread with an integrated metal wire or an integrated stranded metal wire, or a graphite thread (An exemplary fabric for use in implementing fabric antenna 50 is a woven nylon plated with a layer of copper, silver, or nickel [0023]).

8. As for claim 8, Heerden et al. teach the textile material according to claim 2, wherein antenna connections between the circuit module and the radiator can be

implemented by means of connections involving crimping, welding, soldering, or gluing with the use of conductive adhesive (Fabric antenna 50 may be coupled to other fabric antenna elements and RF tag 200 using conductive thread, conductive glue, and interfaced conductive layers of material sewn together [0026]).

9. As for claim 9, Heerden et al. teach the textile material according to claim 8, wherein in the production process of printing, the printing paste itself is the conductive adhesive (As taught above, Heerden et al. teach the conductive glue used to interlace the antenna elements. The method of forming the device is not germane to the issue of patentability of the device itself. Therefore this limitation has not been given patentable weight).

10. As for claim 12, Heerden et al. teach the textile material according to claim 1, wherein the radiator is designed as a symmetrical dipole (14) (Heerden et al. teach that It should be appreciated by those skilled in the art that fabric antenna 50 may comprise all antennas suitable for RF communication, including but not limited to a dipole, a patch, a folded dipole, and a polarizing antenna. Fabric antenna 50 may be in the form of a strip of conductive woven material [0024].) or as an asymmetrical bar (18) with a counterweight (20).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 3, 5, 6, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Heerden et al (US 2003/0160732).

14. As for claim 3, the radiator detailed in the prior art is designed to work at the manufacturers specifications. The combining of electrical conductors interwoven between each other inherently provides capacitances and inductances. The radiator is designed to resonate in a desired frequency given the structure of the device. This design specification is well within the level of ordinary skill of an artisan in the art.

15. As for claims 5-7, Heerden et al. teach the structural limitations of the claimed subject matter. [0023] details the use of conductive materials as antenna parts. The materials are interwoven with fabric and other conductive materials, which inherently create a multitude of capacitances and inductances. The prior art teaches the structural limitations while the applicant claims the process. The method of forming a device is not germane to the issue of patentability of the device itself. Therefore, the limitations claimed have not been given patentable weight.

16. As for claim 11, Heerden et al. teach (Fig. 2 item 30) a housing that encompasses the circuit module and the antenna connections. The housing is then

integrated into the textile material. The housing as stated by the prior art solves the problem of improving security against tampering and the invention would work equally as well with a variation of the housing described. Variations in antenna housing are well within the level of ordinary skill of an artisan in the art.

17. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Heerden et al (US 2003/0160732) in view of Rowson et al. (US 6,675,461).

18. Heerden et al. teach all the limitations of the claim except the adhesive surfaces of the adhesive connections are UV permeable, and the conductive adhesive is UV curable.

19. Enabling materials to be permeable to UV radiation is notoriously well known in the art, Rowson teaches the commonality of UV curable adhesives in antenna manufacturing. In Rowson et al teaching, a UV curable adhesive is used to secure spacers of a magnetic dipole antenna. It is a suitable choice because it can be cured extremely rapidly (Col. 5, lines 25-29).

20. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the prior art teachings because of the efficient benefits of using a UV curable adhesive for antenna configuration.

Conclusion

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARLON BROWNE whose telephone number is (571)270-5065. The examiner can normally be reached on M-F 9:00am - 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Owens can be reached on (571)272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C. Wimer/
Primary Examiner, Art Unit 2821

MBB